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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FIRST AMERICAN TITLE INSURANCE
COMPANY, a California corporation,

Plaintiff,

vs.

COMMERCE ASSOCIATES, LLC, a
Nevada limited liability company; TG
INVESTMENTS, LLC, a Nevada limited
liability company; and DOES 1-10,

Defendants.

Case No. 2:15-CV-00832-RFB-VCF

**STIPULATION AND ORDER TO STAY
CASE PENDING PARTIES'
PARTICIPATION IN PRIVATE
MEDIATION**

[First Request]

Plaintiff First American Title Insurance Company ("Plaintiff"), by and through its undersigned counsel, and Defendants Commerce Associates, LLC ("Commerce") and TG Investments, LLC ("TGI") (collectively, "Defendants"), by and through their undersigned counsel, hereby stipulate, agree, and request as follows:

Current Discovery Plan

1. On November 13, 2015, the Court entered its Discovery Plan and Scheduling Order (Dkt. # 35).

Request to Stay Case Based on Parties' Agreement to Participate in Private Mediation

2. On February 18, 2016, the Parties appeared before this Court for the hearing on Defendants' Motion to Dismiss Complaint (Dkt. # 27) and other matters. The Court denied the motion as to the first cause of action for fraud, the second cause of action for negligent

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- 1 misrepresentation and the fourth cause of action for breach of contract. The Court granted
- 2 the motion with leave to amend (within 30 days) as to the third cause of action for unjust
- 3 enrichment. Plaintiff's current deadline to file its amended pleadings is March 21, 2016.
- 4 3. Following the Court's decision at the February 18th hearing, the Parties engaged in
- 5 discussions concerning participating in a private mediation with JAMS.
- 6 4. The Parties anticipate conducting the above-described mediation within the next forty-five
- 7 (45) days.
- 8 5. On that basis, the Parties hereby stipulate and request that this case be stayed for a period
- 9 of forty-five (45) days.
- 10 6. Should the mediation prove unsuccessful, the Parties will prepare a First Amended
- 11 Stipulated Discovery Plan and Scheduling Order and submit it for the Court's approval.
- 12 7. The Parties also stipulate and agree that any and all written discovery requests that are
- 13 pending as of the date of this Stipulation shall be stayed. Should the mediation prove
- 14 unsuccessful, the Parties will meet and confer about re-calendaring response deadlines for
- 15 all written discovery requests that were pending prior to entry into this Stipulation.

16 DATED this 9th day of March, 2016.

17 By: /s/--Kevin S. Sinclair
Kevin S. Sinclair, Esq.
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20 *Attorneys for Plaintiff First American Title Insurance Company*

21 -and-

22
23 By: /s/--David A. Carroll
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26 *Attorneys for Defendants Commerce Associates, Inc. and TG Investments, Inc.*

ORDER

Having reviewed the above Stipulation and finding good cause appearing,

IT IS HEREBY ORDERED that the above Stipulation is GRANTED.

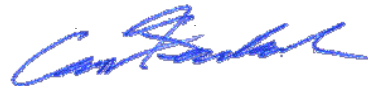
IT IS FURTHER ORDERED that this case is STAYED for a period of forty-five (45) days for the purpose of allowing the Parties to engage in private mediation with JAMS.

IT IS FURTHER ORDERED that Plaintiff's deadline to file its amended complaint is extended by a period of forty-five (45) days (until May 5, 2016).

IT IS FURTHER ORDERED that, should the mediation prove unsuccessful, the Parties will prepare a First Amended Stipulated Discovery Plan and Scheduling Order and submit it for the Court's approval. on or before May 19, 2016

IT IS FURTHER ORDERED that, should the mediation prove unsuccessful, the Parties will meet and confer about re-calendaring response deadlines for all written discovery requests that were pending prior to entry into this Stipulation.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

March 10, 2016

DATED: _____